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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,520	04/08/2004	John M. Harris	82295	8304

22242 7590 06/30/2005

FITCH EVEN TABIN AND FLANNERY  
120 SOUTH LA SALLE STREET  
SUITE 1600  
CHICAGO, IL 60603-3406

EXAMINER

LEE, JOHN J

ART UNIT PAPER NUMBER

2684

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

10/820,520

Applicant(s)

HARRIS ET AL.

Examiner

JOHN J LEE

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 18-25 is/are rejected.
- 7) ☒ Claim(s) 15-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/12/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claim 8, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-7, 9-14, and 18-25** are rejected under 35 U.S.C. 102(e) as being anticipated by Rosen et al. (US patent number 6,904,288).

Regarding **claim 1**, Rosen discloses that subsequent to initiation of a push-to-talk wireless communication for a talk group (Fig. 1 and column 3, lines 43 – column 4, lines 52, where teaches the communication device requests push-to-talk to administrative operation server, and the server determines whether grant or not, if the server allow to push-to-talk, initiates of push-to-talk communication). Rosen teaches that automatically considering at least one possible subsequent push-to-talk communication need of the talk

group to provide at least one corresponding determination (column 3, lines 63 – column 4, lines 51 and Fig. 1, 2, where teaches the arbitration schemes may evaluate factors such that the number of unsuccessful attempts to gain transmission privilege, the length of time a net number has held transmission privilege, or other factors, in automatically determining whether a requesting net member is granted the transmission privilege).

Rosen teaches that automatically identifying a network location to support talker arbitration for the push-to-talk communication needs of the talk group as a function, at least in part, of the corresponding determination (column 5, lines 33 – column 6, lines 36 and Fig. 1, 2, where teaches communication management server maintains one or more databases for managing information pertaining to individual net members as well as to each defined net with net identifier, location).

Regarding **claim 2**, Rosen discloses that the talk group comprises a first mobile station and a second mobile station (Fig. 1, 2 and column 5, lines 33 – column 6, lines 36, where teaches the talk group comprises first mobile, second mobile, a plurality mobile stations).

Regarding **claim 3**, Rosen discloses that the talk group further comprises at least a third mobile station (Fig. 1, 2 and column 5, lines 33 – column 6, lines 36, where teaches the talk group comprises first mobile, second mobile, a plurality mobile stations).

Regarding **claim 4**, Rosen discloses that subsequent to initiation of a push-to-talk wireless communication for a talk group further comprises at least partially during a time when an active wireless channel is allocated to support the push-to-talk wireless communication (Fig. 1, 2 and column 3, lines 43 – column 4, lines 39, where teaches the

transmission privilege (channel) is granted or denied to a requesting net member, depending on whether or not the transmission privilege is currently assigned to another net member when the request is received, and the process of granting and denying transmission requests is known arbitration that schemes evaluate factors).

Regarding **claim 5**, Rosen discloses that automatically considering at least one possible subsequent push-to-talk communication need of the talk group further comprises automatically identifying at least one target mobile station to whom a present push-to-talk wireless communication is directed (Fig. 1, 2 and column 5, lines 33 – column 6, lines 36, where teaches the communication management server managing and identifies the information to individual net members such that user name, account number, a telephone number, a mobile identification number assigned to the communication device, priority code and whom a request to talk currently).

Regarding **claim 6**, Rosen discloses all the limitation, as discussed in claim 1. Furthermore, Rosen further discloses that identifying the target mobile station as the network location to support talker arbitration for the push-to-talk communication needs of the talk group (Fig. 1, 2 and column 5, lines 33 – column 6, lines 36, where teaches evaluating and identifying the priority mobile station as the network location with identification for providing arbitration for push-to-talk communication).

Regarding **claim 7**, Rosen discloses all the limitation, as discussed in claim 1. Furthermore, Rosen further discloses that automatically considering at least one item of context information regarding the talk group (Fig. 1, 2 and column 5, lines 33 – column 6, lines 36, where teaches the communication management server managing and

identifies the information to individual net members such that user name, account number, a telephone number, a mobile identification number assigned to the communication device, priority code and whom a request to talk currently).

Regarding **claim 9**, Rosen discloses all the limitation, as discussed in claim 1. Furthermore, Rosen further discloses that identifying a mobile station that comprises a member of the talk group (Fig. 1, 2 and column 5, lines 33 – column 6, lines 36, where teaches the communication management server managing and identifies the information to individual net members).

Regarding **claim 10**, Rosen discloses all the limitation, as discussed in claim 1. Furthermore, Rosen further discloses that identifying a network server (column 5, lines 33 – column 6, lines 36 and Fig. 1, 2, where teaches communication management server maintains one or more databases for managing information pertaining to individual net members as well as to each defined net with net (network server) identifier, location).

Regarding **claim 11**, Rosen discloses all the limitation, as discussed in claim 1. Furthermore, Rosen further discloses that automatically assigning the network location to support talker arbitration for the talk group (Fig. 1, 2 and column 3, lines 43 – column 4, lines 39, where teaches the transmission privilege (channel) is granted or denied to a requesting net member, depending on whether or not the transmission privilege is currently assigned to another net member when the request is received, and the process of granting and denying transmission requests is known arbitration that schemes evaluate factors).

Regarding **claim 12**, Rosen discloses all the limitation, as discussed in claims 1 and 11. Furthermore, Rosen further discloses that transmitting at least one explicit message to the network location to indicate assignment of talker arbitration to the network location (column 5, lines 11 – column 6, lines 35 and Fig. 1, 2, where teaches when communication management server receives a transmission privilege request, the communication management server transmits a message to the requesting net member, notifying it that the transmission privilege has been granted).

Regarding **claim 13**, Rosen discloses all the limitation, as discussed in claims 1 and 11. Furthermore, Rosen further discloses that transmitting a signal to the network location to indicate assignment of talker arbitration to the network location (column 5, lines 11 – column 6, lines 35 and Fig. 1, 2, where teaches when communication management server receives a transmission privilege request, the communication management server transmits a message to the requesting net member, notifying it that the transmission privilege has been granted).

Regarding **claim 14**, Rosen discloses all the limitation, as discussed in claims 1 and 11. Furthermore, Rosen further discloses that intentionally delaying automatically assigning the network location to support talker arbitration for the talk group (column 11, lines 48 – 67, Fig. 3, and column 8, lines 25 – 61, where teaches an unnecessary delay is experienced in re-establishing the talker's traffic channel).

Regarding **claim 18**, Rosen discloses all the limitation, as discussed in claim 1. Furthermore, Rosen further discloses that activating talker arbitration capability for the

talk group (column 3, lines 43 – column 4, lines 52 and Fig. 1, where teaches activation the push-to-talk arbitration).

Regarding **claim 19**, Rosen discloses all the limitation, as discussed in claims 1 and 18. Furthermore, Rosen further discloses that activating talker arbitration capability in response to receiving at least a first predetermined signal (column 3, lines 43 – column 4, lines 52 and Fig. 1, where teaches activation the push-to-talk arbitration in response to receiving request signal (predetermined signal)).

Regarding **claim 20**, Rosen discloses all the limitation, as discussed in claims 18 and 19. Furthermore, Rosen further discloses that receiving an explicit instruction to activate the talker arbitration capability (column 4, lines 19 – column 5, lines 54 and Fig. 1, 2, where teaches activation the push-to-talk arbitration in response to receiving a request signal (predetermined signal) that is transmission privilege request).

Regarding **claim 21**, Rosen discloses all the limitation, as discussed in claims 18 and 20. Furthermore, Rosen further discloses that receiving an end-of-transmission signal (column 6, lines 47 – column 7, lines 37 and Fig. 1, 2, where teaches the end-point connectivity request and notify the message).

Regarding **claim 22**, Rosen discloses all the limitation, as discussed in claims 18 and 21. Furthermore, Rosen further discloses that deactivating the talker arbitration capability (column 6, lines 47 – column 7, lines 37 and Fig. 2, 3, where teaches the push-to-talk releases the arbitration between conflicting request, floor control).

Regarding **claim 23**, Rosen discloses all the limitation, as discussed in claims 1 and 18. Furthermore, Rosen further discloses that a processing platform (204 in Fig. 2).



Rosen teaches that at least a first memory having push-to-talk talker arbitration instructions stored therein (column 16, lines 6 –32, Fig. 2, 7, and column 5, lines 55 – column 6, lines 2, where teaches storing in database of mobile station for a service configuration message (arbitration instruction)).

Regarding **claim 24**, Rosen discloses all the limitation, as discussed in claims 18 and 19. Furthermore, Rosen further discloses that means for activating the push-to-talk talker arbitration instructions in response to detection of at least a first predetermined condition (column 3, lines 43 – column 4, lines 52 and Fig. 1, where teaches activation the push-to-talk arbitration in response to receiving request signal (predetermined condition)).

Regarding **claim 25**, Rosen discloses all the limitation, as discussed in claims 23 and 24. Furthermore, Rosen further discloses that means for using the push-to-talk talker arbitration instructions to arbitrate at least one push-to-talk communication for a talk group that includes the wireless push-to-talk mobile station (column 9, lines 28 – column 10, lines 61, where teaches activation the push-to-talk arbitration in response to receiving request signal (predetermined condition) from talk group that includes wireless mobile station).

***Allowable Subject Matter***

5. Claims 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2684

The prior art of record fails to disclose "intentionally delaying automatically assigning the network location to support talker arbitration for the talk group further comprises intentionally delaying, for at least a predetermined period of time, automatically assigning the network location to support talker arbitration for the talk group" as specified in the claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kent (US Patent number 5,659,881) discloses Distributed Method of Call Arbitration in an RF Trunking Multisite Coordinator Architecture.

Balasuriya (US Patent number 6,411,815) discloses Communication System and Method for Arbitrating Service Requests.

Winchell et al. (US Patent number 6,788,946) discloses Delivering Information Within a Group Communications System.

Information regarding...Patent Application Information Retrieval (PAIR) system... at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

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Art Unit: 2684

or faxed (703) 308-9051, (for formal communications intended for entry)

Or: (703) 308-6606 (for informal or draft communications, please label

"PROPOSED" or "DRAFT").

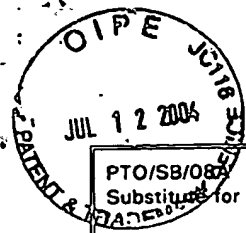
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay Aung Maung**, can be reached on **(571) 272-7882**. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L.  
June 24, 2005

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**

John J Lee



<b>PTO/SB/083</b> Substitute for Form PTO-1449  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>			Application Number	10/820,520	
			Filing Date	April 8, 2004	
			First Named Inventor	John M. HARRIS et al.	
			Art Unit	2681	
			Examiner Name	Not yet assigned	
Sheet	1	of	2	Attorney Docket	CE11494R (82295)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup>			
Jh		US-5,659,881	08/19/1997	Kent	
Jh		US-2003/0099214 A1	05/29/2003	Schmidt et al.	
JL		US-2003/0143959 A1	07/31/2003	Harris et al.	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup>				

Examiner Signature	<i>John J. O...</i>	Date Considered	6/23/05
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.



<b>Notice of References Cited</b>	Application/Control No. 10/820,520	Applicant(s)/Patent Under Reexamination HARRIS ET AL.	
	Examiner JOHN J LEE	Art Unit 2684	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,659,881	08-1997	Kent, James S.	455/520
	B	US-6,411,815	06-2002	Balasuriya, Senaka	455/512
	C	US-6,788,946	09-2004	Winchell et al.	455/518
	D	US-6,904,288	06-2005	Rosen et al.	455/518
	E	US-			
	F	US-			
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	N					
	O					
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	S					
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**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
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\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
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## **NEW CENTRAL FAX NUMBER**

Effective July 15, 2005

On July 15, 2005, the Central FAX Number will change to **571-273-8300**. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005.

After September 15, 2005, the old number will no longer be in service and **571-273-8300** will be the only facsimile number recognized for "centralized delivery".

**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

Jeff

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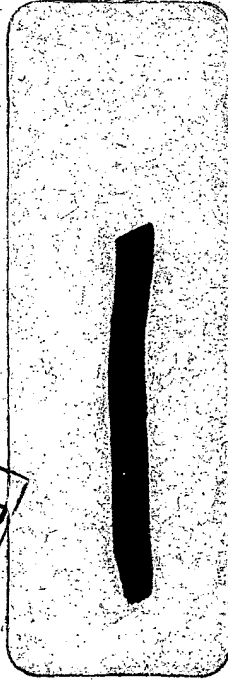
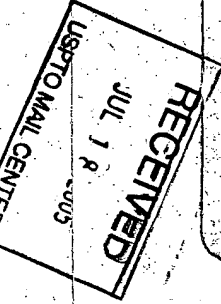
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